

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

EARNEST MONCADA,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. CIV-20-779-C
	)	
LUKE PETTIGREW, Warden,	)	
	)	
Respondent.	)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Gary Purcell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Purcell entered a Report and Recommendation on October 22, 2020, to which Petitioner has timely objected. Petitioner has also filed a second pleading, captioned “Rule 60-B-Fraud,” which is identical to his Objection. The Court therefore considers the matter de novo.

The facts and law are accurately set out in Judge Purcell’s Report and Recommendation and there is no purpose to be served in repeating them yet again. Mostly citing irrelevant state law, Plaintiff merely restates the conclusions and legal arguments originally asserted, and raises no issue not fully and accurately addressed and rejected by the Magistrate Judge.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 17), Respondents Motion to Dismiss Petition (Dkt. No. 13) is denied as moot, and for the reasons announced therein, this action for habeas corpus relief is dismissed. A separate judgment will enter.

IT IS SO ORDERED this 10th day of November, 2020.



ROBIN J. CAUTHRON  
United States District Judge